



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinsuke SUHARA et al.

Group Art Unit: 2876

Application No.: 10/702,612

Examiner: D. HESS

Filed: November 7, 2003

Docket No.: 117679

For: COMPONENT INFORMATION APPLYING METHOD AND APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the January 30, 2007 Restriction Requirement, Applicants provisionally elect Group I, claims 15-18, 27 and 37, drawn to a component tape connecting member having an information medium portion, and a method of acquiring information from the connecting member, with traverse.

Applicants object to the now third Restriction Requirement in the present application. In the second Restriction Requirement, dated September 28, 2006, claims 15-18 and 27-38 (that were filed in reply to the first Restriction Requirement, dated June 9, 2006) were divided into Group I (claims 15-18 and 27-37) and Group II (claim 38). Then, in the pending third Restriction Requirement, the previous Group I (claims 15-18 and 27-37) is further divided into three Groups that are, according to the Examiner, distinct from each other. Applicants submit that such a Restriction Requirement, if proper, could have and should have been asserted in the second Restriction Requirement, and object to the piecemeal prosecution by the Examiner as prejudicial to Applicants' right to an orderly prosecution of this application.

Further, in view of the MPEP §806.05(c), the present Restriction Requirement is unreasonable. Each of Group II (claims 28-34) and Group III (claims 35-36) and Group I (claims 15-18, 27 and 37) are related as combination and subcombination. Applicants direct the Examiner's attention to the first paragraph of claim 28 (of Group II) and the first paragraph of claim 35 (of Group III) in which it is stated that "an electronic-circuit-component supplying system using the component-tape connecting member defined in claim 15, said system comprising..." and "an electronic-circuit-component mounting system using the component-tape connecting member defined in claim 15, said system including...". That is, in the electronic-circuit-component supplying system according to claim 28 as combination, the component-tape connection member containing all the features cited in claim 15 as subcombination, is necessarily used. In the electronic circuit component mounting system according to claim 35 as combination, the component-tape connection member containing all the features recited in claim 15 as subcombination is necessarily used.

Therefore, each of the relationship between Groups II and I, and the relationship between Groups III and I, precisely correspond to "ABsp / Bsp NO RESTRICTION" defined in I. SUBCOMBINATION ESSENTIAL TO COMBINATION in MPEP §806.05(c), in which it is described that the inventions are not distinct and a requirement for restriction must not be made.

It is also respectfully submitted that the subject matter of all claims 15-18 and 27-38 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"

(emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

With regard to the Examiner's remarks concerning claim 15, Applicants offer the following observations. Regarding U.S. Patent No. 6,631,868 to Miller et al. (hereinafter "Miller"), the Examiner states that "(b) component tapes can be spliced directly to one another" and that "a connecting member is simply another tape." That is, the Examiner appears to assert that Miller teaches a connection (splicing) of component tapes through a connecting member because Miller discloses a direct connection of component tapes, each one of which can be regarded as a connection member.

However, it is unclear to Applicants, upon careful review of Miller, where the Examiner draws support for any specific teaching of how the component tapes in Miller are connected to each other. Based on Applicants' understanding, it appears that Miller fails to specifically teach how components are connected to each other.

Referring to U.S. Patent No. 6,631,870 to Bergstrom, the Examiner states that "(a) component tapes are known to have bar codes directly on them." Again, it is unclear where in the reference, the Examiner draws support for such a conclusion. For example, in col. 2, line 5 and 6, of Bergstrom, it is disclosed that a "bar code is provided on the component tape reel." The component tape reel cannot reasonably be considered to correspond to a connecting member for connecting component tapes.

Therefore, even if the connection of the component tapes through a connection member were taught by Miller, the claim feature that the connecting member includes an information medium portion such as bar code is not taught, nor can it reasonably be considered to have been suggested, by the combination of these references.

The Examiner also points to col. 4, line 8-10 of Bergstrom as basis for supporting the above assertions. However, as indicated above, this section also merely recites that "the bar codes of the component tape...are read by a bar code reader." It is not described therein that the bar code is provided on the component tape.

Further review of Bergstrom reveals that "said bar codes are advantageously applied on the tape reel containing the component tape" (see col. 3, lines 65 and 66). This description implies technical disadvantage in an arrangement in which the bar codes are applied on an element other than the tape reel, such as the component tape. That is, Bergstrom teaches away from the claim feature.

Therefore, the "bar codes of the component tape" described in col. 4, lines 8-10 of Bergstrom could be interpreted simply as bar codes that store information relating to the component tape, but not interpreted as bar codes that are provided on the component tape.

Finally, in Bergstrom, component tape information stored in the bar code is read by the bar code reader when the component tape (1) is loaded into the tape guide (10) (see, e.g., col. 4, lines 8-17 and cols. 8-9). The information stored in the bar codes is no longer read after the tape guide (10) has been mounted onto the tape guide magazine (40) (or on to a component mounting machine).

The present subject matter, in which the component-tape connecting member includes the information medium portion, allows for the information (stored in the information medium portion) to be read even after a tape feeding (for feeding the component tape) has been attached to a component mounting device.

Applicants respectfully request that the Examiner consider the foregoing remarks in any further review of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: February 28, 2007

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